

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
at CHATTANOOGA

UNITED STATES OF AMERICA )  
v. ) Case No. 1:11-cr-37  
JAMES DAVID POTEETE ) MATTICE / LEE  
                          )

**O R D E R**

Magistrate Judge Susan K. Lee filed a report and recommendation recommending the Court: (1) grant Defendant's motion to withdraw his not guilty plea to Counts One, Two and Three of the fourteen-count Indictment; (2) accept Defendant's plea of guilty to Counts One, Two and Three of the Indictment; (3) adjudicate Defendant guilty of the charges set forth in Counts One, Two and Three of the Indictment; (4) defer a decision on whether to accept the plea agreement until sentencing; and (5) Defendant has been released on bond under appropriate conditions of release pending sentencing in this matter without objection [Doc. 44]. Neither party filed a timely objection to the report and recommendation. After reviewing the record, the Court agrees with the magistrate judge's report and recommendation. Accordingly, the Court **ACCEPTS** and **ADOPTS** the magistrate judge's report and recommendation [Doc. 44] pursuant to 28 U.S.C. § 636(b)(1) and **ORDERS** as follows:

- (1)     Defendant's motion to withdraw his not guilty plea to Counts One, Two and Three of the Indictment is **GRANTED**;
- (2)     Defendant's plea of guilty to Counts One, Two and Three of the Indictment is **ACCEPTED**;

- (3) Defendant is hereby **ADJUDGED** guilty of the charges set forth in Counts One, Two and Three of the Indictment;
- (4) A decision on whether to accept the plea agreement is **DEFERRED** until sentencing; and
- (5) Defendant **SHALL REMAIN** on bond under appropriate conditions of release pending sentencing in this matter without objection which is scheduled to take place on **Monday, November 14, 2011 at 2:00 p.m.** before the Honorable Harry S. Mattice, Jr.

**SO ORDERED.**

**ENTER:**

*/s/Harry S. Mattice, Jr.*  
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HARRY S. MATTICE, JR.  
UNITED STATES DISTRICT JUDGE